

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL NO. 07-10333-RWZ

UNITED STATES OF AMERICA

v.

WILLIE SIMS

ORDER ON MOTION TO REDUCE SENTENCE

June 25, 2012

ZOBEL, D.J.

Defendant Willie Sims, on November 3, 2008, pled guilty to an indictment charging him with possession of .5 grams of crack cocaine with intent to distribute. The Pre Sentence Report reflected a total offense level of 12 and a criminal history category of V with a resultant range of 27 to 33 months. Unfortunately for defendant his criminal history included four convictions for crimes of violence which changed the calculus to a total offense level of 29 (allowing for a 3 level reduction for acceptance of responsibility) and criminal history category of VI. This yielded a range of 151 to 188 months imprisonment. In imposing a sentence of 76 months, the court stated explicitly that defendant was a career offender and that even this reduced sentence was more than twice the high end of the guideline for an offense that involved only 5 grams of the drug.

Defendant now seeks a reduction of his sentence pursuant to 18 U.S.C. § 3582(c)(2). He is not eligible therefore because he was sentenced as a career

offender pursuant to U.S.S.G. § 4 B1.1, not under the drug Guideline, § 2D1.1. The Sentencing Commission only amended the latter. U.S.S.G. Appendix C, Vol. III. Amendment 759.

The motion for reduction of sentence is denied.

June 25, 2012

DATE

/s/Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE